

Remarks:

Prior to entry of this amendment, claims 1 and 3-10 were pending in the application. By way of this amendment, claims 1, 5, 7, and 9 are amended and claims 4 and 6 are cancelled without prejudice. Applicants respectfully request that these amendments be entered for the purposes of appeal.

Applicants thank the Examiner for the courtesy extended during the interview of October 15, 2009. In the interview, Attorney for Applicants and the Examiner discussed the procedural issues with the non-compliant appeal brief.

Applicants have amended claim 1 to include the limitations of dependent claims 4 and 6, to thereby reduce issues for appeal. As such, claims 4 and 6 have been cancelled without prejudice, and the claims which depended from cancelled claims 4 and 6 have been amended to depend from claim 1.

Further, Applicants submit herewith a terminal disclaimer to overcome the following double patenting rejections in the Office action dated July 9, 2008:

11. Claims 1-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14, 17-22, 24-26, 30-32, 36 and 40-42 of copending application 10/349347.

12. Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 15-16 of copending application 11/236979.

Conclusion

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

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